



MEMORANDUM TO FILE

To: File

From: Richard C. Tracy

Re: Liquor Commissioner Mark Bodi served with GJ Subpoena

Date: February 11, 2010

Monday February 8, 2010, at approximately 0900 hrs I spoke with Anne Bogart, Commissioner Mark Bodi's Administrative Assistant. I introduced myself and told her that I was interested in speaking with Commissioner Bodi. Anne informed me that the Commissioner was not in yet. I asked if I could leave a message for him, she stated yes. I asked Anne to inform Commissioner Bodi that Jane E. Young and I were interested in speaking with him about the Keene Railroad Tavern investigation.

I received a voicemail from Anne later that morning advising me that the Commissioner would not be in the office on Monday 2/8/10. I called Anne back and asked her if she was going to speak with the Commissioner by telephone at all that day. She was not sure if she would or not. I asked Anne that should she speak with the Commissioner at all on Monday to please inform him that Jane Young and I would like to speak with him about the Railroad Tavern Investigation recently conducted by the Bureau of Enforcement in Keene. I advised Anne that we were available to meet with the Commissioner at anytime on Tuesday, 2/9/10, requested that the Commissioner select a time convenient for him.

After updating Jane Young as to where I was with securing a time to meet with the Commissioner I would have one more conversation with Anne around 1300 hrs on 2/8/10. It was during that phone call that I learned that the commissioner was not going to be in the office that day because he was out sick. Anne and I had a conversation about the commissioner's schedule for the next few days. I requested that Anne inform the Commissioner that we were available anytime on Tuesday and during the afternoons on Wednesday and Thursday.

Tuesday 2/9/10, at 0852 hrs I received a voicemail from Liquor Commissioner Mark Bodi: "Dick, Mark Bodi returning your call 271-1705, thank you". I called the Commissioner's office back later that morning and spoke with Anne who informed me that the Commissioner was out at a meeting. I reminded Anne of the times that Jane Young and I were available, requesting that she run those by the Commissioner requesting that he select a time that was convenient for him.

Later that same afternoon Tuesday 2/9/10 at 1507 hrs I received the following voicemail message "Hi Dick, Mark Bodi I got your second message and no I'm not available tomorrow, um but I think more importantly I would like to have a conversation with you with respect to the nature of this meeting so either give me a call or have Jane give me a call at your convenience and see if we can be helpful, thank you".

I was out of the office and did not return until Wednesday 2/10/10 at approximately 1145 hrs. Shortly after my return I called the Commissioners office and learned that Commissioner Bodi was out to lunch. I left a message requesting that he call. I received a call from Commissioner Bodi at 1255 hrs. He inquired as to the nature of the meeting. I informed him that we were conducting an investigation into execution of two search warrants by the Bureau of Liquor Enforcement at the Railroad Tavern in Keene NH on December 14 and 15, 2009. We were trying to determine if there had been any violations of the criminal statute during the Bureau of Enforcements recent investigation of the Railroad Tavern. Commissioner Bodi asked if he was the focus of our investigation I informed him at this time I did not know if he was the focus or not. I advised him that based on other interviews that we have conducted we understand that he (Bodi) had conversation with the owner, members of the bureau of enforcement and others about the execution of the those two search warrants and we would like to speak with him about that.

Commissioner Bodi began to voice his frustration with two other investigations that he is aware that our office is investigating, which involves the Liquor Commission and wants to know why he hasn't heard anything about them when one of the investigations, the Russell complaint was made over 5 months ago and the other one involves a employee making allegations against him. Knowing that I was assigned the Russell complaint he asked me what the outcome was of that case. I told him that I was not in a position to share the results of that or any other investigation with him. Commissioner Bodi questioned why, I explained that I was not the person high enough on the "totem pole" to release that information, he then commented would that come from someone with a "higher paygrade", I replied yes. He asked whom then, I replied the Attorney General or possibly Bureau Chief Jane E. Young. Commissioner Bodi requested that Jane or someone who could provide him with more information call him. I told him that Jane was expected back in the office shortly and that I would advise her of his request. I asked if he expected to be available? Commissioner Bodi responded that he was going to be in a commission meeting but he would advise his staff to interrupt him should we call back.

Within a minute of our conversation ending Jane arrived at her office. I advised her of my conversation with Commissioner Bodi. I then called the Commissioners office and spoke with a member of his staff who stated that she would interrupt the commission meeting to inform Commissioner Bodi that we were on the phone. After a short wait Commissioner Bodi came to the telephone, I advised him that he was on speakerphone and that Jane Young was present.

Jane informed the Commissioner that we had received a complaint reference the Bureau of Liquor Enforcement investigation, which included the execution of two separate

search warrants on December 14 & 15, 2009 at the Railroad Tavern in Keene. Jane further explained that the scope of our review was to see if any violations of the criminal code had been committed by anyone involved in Railroad Tavern case. Commissioner Bodi asked if he was the target of our investigation. Jane informed the Commissioner that everyone is potentially the target of our investigation that it was too early to tell if he specifically was or not.

As he did earlier when speaking with me, Commissioner Bodi expressed his displeasure with other Liquor Commission investigations that our office has conducted, which were still pending or he has not been informed about. He stated as the Commissioner he has the right to know. He specifically mentioned the Russell investigation that he made the complaint about and wanted to know what the finding was with that case. Jane informed him that she would look into his request. As Jane attempted to bring the conversation back to the reason as to why we have been calling him this week, to set up an interview regarding the Railroad Tavern case the Commissioner began to rant about our office not investigating commissioners.

Commissioner Bodi stated that Attorney General Mike Delaney told him that our office doesn't investigate "commissioners" referencing a disgruntled employee that made some allegations against the commissioner, which Commissioner Bodi wanted our office to investigate. Commissioner Bodi wanted to know if that's the case that our office does not investigate commissioners then why are we investigating him now.

At that time Jane managed to turn the Commissioners attention to our request for an interview. Commissioner Bodi stated that he wanted something in writing detailing the focus of our investigation and exactly what we wanted to talk with him about. Commissioner Bodi reinforced that request stating for a second time that without something in writing he would not speak with us.

At approximately 1430 hrs, Jane and I would advise the Attorney General of our attempts to meet with Commissioner Bodi. After some discussion it was decided that Commissioner Bodi would be served with a Subpoena to appear before the Merrimack County Grand Jury on February 19, 2010 at 1300 hrs. Chief Investigator Paul Brodeur and I would meet with the Commissioner in his office located at 50 Storrs Street, Concord, NH at 1555 hrs. I advised the Commissioner that I had been authorized to inform him that the allegations lodged against former Liquor Commissioner Russell were unfounded. Commissioner Bodi stated that he wanted a copy of the investigation under the right to know law. I told him that I would inform Jane of his request, I advised him that his right to know request would take time, that the report would have to be reviewed that certain information would need to be redacted, which he or anyone else was not privileged to have.

Secondly I handed Commissioner Bodi the original copy of a subpoena ordering him to appear before the Merrimack County Grand Jury on Friday, February 19, 2010, at 1300 hrs. Commissioner Bodi, looked at the subpoena for a moment before stating, "consider me served". No further questions, we exchanged goodbyes and exited his office.